

OPEN MINUTES
Missouri State Board of Chiropractic Examiners
November 30, 2000 - 8:00 a.m.
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City, Missouri 65109

The Missouri State Board of Chiropractic Examiners was called to order by Mary A. Holyoke, D.C., President, at 8:10 a.m. on November 30, 2000 at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Members Present:

Mary A. Holyoke, D.C., President
Lawrence Gerstein, D.C., Secretary
Larry J. Lovejoy, D.C., Member
Lee Richardson, D.C., Member
Charles Klinginsmith, D.C., Member
Charlotte Castillon Hill, M.A., Public Member

Staff Present:

Loree Kessler, Executive Director
Jeanette Stuenkel, Executive I
Greg Mitchell, Legal Counsel

Visitors Present:

Mark Howell, D.C., MSCA
Mo McCullough, MSCA
Vicki Renshaw, Cleveland Chiropractic College
Gary Carver, D.C., MSCA
J. Kay Carver, D.C., MSCA
Scott Renshaw, D.C.
Greg Boyle, Kansas City, MO
Kathleen Coleton, Missouri Acupuncturist Advisory Committee
Thomas Duckworth, St. Louis, MO

Dr. Holyoke requested a moment of silence in remembrance of the late Governor Mel Carnahan.

Dr. Holyoke introduced Loree Kessler as the new Executive Director for the Missouri State Board of Chiropractic Examiners. Dr. Holyoke also welcomed Jeanette Stuenkel, Executive I to the Board.

Approval of Agenda

A motion was made by Dr. Richardson and seconded by Dr. Gerstein to approve the agenda. Motion carried unanimously.

Approval of Minutes

A motion was made by Dr. Gerstein and seconded by Dr. Richardson to approve the minutes with corrections made to the October 3, 2000 open session minutes regarding a discussion on board per diem and legislation. It was noted that the per diem allowance for travel would be a minimum of one half day. Motion carried unanimously.

Financial Statement

Ms. Kessler provided the financial report concerning operational costs. With the changes in division-wide services new allocations would be made along with the cost sharing of the multiple boards housed in the board's suite. Ms. Kessler reported she would be working with the division accounting section on determining the cost allocation and probable savings.

A motion was made by Dr. Klinginsmith and seconded by Dr. Gerstein to accept the financial report. Motion carried unanimously.

Legislative Update

Dr. Howell stated that the MSCA is proposing parity legislation language stating that every licensed healthcare provider that provides a service within their fee schedule has to pay each of the licensed healthcare providers the same fee for the same service which covers every CPT code that is billed.

Dr. Howell also stated that the MSCA is proposing legislation regarding access issues where of health carriers would have to incorporate chiropractic care into their basic health care plan.

MSCA is also proposing legislation regarding manipulation so that a practitioner can only perform this procedure with a minimum number of hours and education and training.

Board members were invited to the January 20, 2001 board of MSCA directors meeting to further discuss the legislation. Dr. Holyoke advised Dr. Howell that Dr. Lovejoy, Dr. Klinginsmith and Dr. Richardson have been appointed to visit with the MSCA regarding legislative issues.

Dr. Richardson provided a tape from Channel 41News that aired at 6:00 p.m. and 10:00 p.m. on November 15, 2000 relating to the chiropractic profession.

Travel to Treat

Ms. Kessler provided the Board a survey conducted within the division and other state chiropractic boards regarding statutory requirements for chiropractors that travel to other states to provide treatment. Dr. Holyoke appointed Dr. Lovejoy, Dr. Gerstein and Charlotte Castillon Hill to review information for a board rule regarding temporary. Ms. Kessler stated that the Board of Healing Arts has language to allow for visiting professions teach continuing education courses. The Board expressed that a copy of that language was needed for the committee's review.

CE Audit

Ms. Kessler provided the Board with information regarding CE audits conducted by other boards within the division. Ms. Kessler stated that some Boards do not audit continuing

education until they a complaint is filed regarding a licensee. She further stated that depending on the size of the Board, the percentage of licensees audited ranges from five percent to three percent. Dr. Klinginsmith suggested for the first time to audit only the Board members and one licensee per the letter of the alphabet. Dr. Gerstein and Ms. Kessler volunteered to draft a form and guidelines for continuing education audits.

Insurance Consulting

Dr. Gerstein inquired whether chiropractic schools continued to offer insurance consulting licensing courses for licensees to renew their license. Dr. Howell asked the Board to determine what the course should be for schools to teach insurance consulting and continuing education credits. Dr. Holyoke instructed Dr. Klinginsmith and Dr. Gerstein to review the insurance consulting rule for changes.

Orthotics

The Board reviewed the letter dated October 13, 2000 from Glenn M. Tucker, D.C. regarding orthotics. It was the consensus of the Board to refer Dr. Tucker to the chiropractic scope of practice and consult legal counsel for clarification.

Telemarketing

The Board reviewed the letter dated October 12, 2000 from Steven Rickman, D.C. regarding telemarketing. It was the consensus of the Board to refer Dr. Rickman to Board rule 4 CSR 70-2.060 5 (D).

Magnets

Dr. Klinginsmith informed the Board that there is current medical research on magnets and stated he would provide the Board with the information at the March meeting.

Returning of Mail Ballots

Dr. Holyoke stated she would like to set the guidelines for a 24-hour turn around time on faxed ballots and one-week turn around time on weekly mail packets. Charlotte Castillon Hill expressed that she would like to have a summary of what is being provided to the Board for vote. The Board also asked that large documents not be faxed but mailed to all members for review.

Continuing Education Credit "Home Study"

Greg Mitchell advised the Board that a chiropractic college had requested information regarding home study. Mr. Mitchell explained colleges should not sponsor home study because the rule contemplates the colleges monitoring the attendance. Mr. Mitchell stated that the rule would have to be modified to allow colleges to provide home study.

Dr. Gerstein provided a letter from David Dollinger, D.C. inquiring whether examiners would be given four hours of boundary training for proctoring the Part IV exams. A motion was made by Dr. Gerstein and seconded by Dr. Lovejoy to allow four hours of boundary training continuing education credits to examiners participating in the Part IV exams. Motion carried unanimously.

Board Discipline for Newsletter

Dr. Holyoke inquired whether the Board wanted to consider listing the current discipline on the web site or maintain the information in the newsletter. A motion was made by Charlotte Castillon Hill and seconded by Dr. Gerstein to include effective current public discipline on the web site. Motion carried unanimously.

Ultrasound

This item was tabled for closed session for legal counsel.

Meridian Therapy of Acupuncture/Acupressure

The Board reviewed the letter dated July 7, 2000 from Dennis Baker, D.C. regarding clinicians using acupuncture meridian therapy after completing their 100 hours of training. A motion was made by Dr. Klinginsmith and seconded by Dr. Gerstein to modify Board Rule 4 CSR 70-2.031, Meridian Therapy Acupuncture/Acupressure to allow student doctors to practice acupuncture under the direct supervision of a clinician certified to do acupuncture. Motion carried unanimously.

Miscellaneous

Dr. Howell inquired of the status from the Department of Revenue allowing chiropractic physicians to perform bus driver examinations. Mr. Mitchell explained that the Department of Revenue would notify him after their next meeting.

Acupuncture

Dr. Holyoke introduced Kathleen Coleton from the Missouri State Acupuncture Advisory Committee and Greg Boyer from Kansas City to the Board members. After discussing the proposed rules and fiscal notes, a motion was made by Dr. Klinginsmith and seconded by Dr. Gerstein to review the statute to determine if the acupuncturist committee can begin their licensing process for one year and then start the biennial renewal the next renewal period. Motion carried unanimously.

Upcoming Meetings

January 5, 2001 at 12:30 p.m., Conference Call

March 22, 2001 in Jefferson City,

June 14th, 2001 Lake of the Ozarks

August 23, 2001 in Kansas City

November 29, 2001 in Jefferson City

Motion to Close

At 11:30 a.m., a motion was made by Dr. Lovejoy and seconded by Dr. Gerstein to enter into closed session pursuant to section 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.15(7) RSMo. Voting in favor of the motion were Dr. Gerstein, Dr. Lovejoy, Dr. Richardson, Charlotte Castillon Hill and Dr. Klinginsmith. Motion carried unanimously.

Motion to Adjourn

At 1:50 p.m., a motion was made by Dr. Klinginsmith and seconded by Dr. Gerstein to adjourn. By roll call, voting in favor of the motion were Dr. Klinginsmith, Dr. Gerstein, Dr. Richardson, Dr. Lovejoy and Charlotte Hill. Motion carried unanimously.

Executive Director_____

Approved by Board on March 22, 2001